

REMARKS

Summary of Claim Amendments

By the present amendment, claims 63, 73, and 77 are amended, whereby claims 63-74, 77-85 are currently pending, with claims 63, 73, and 77 being independent.

Applicants submit that claim 63, 73, and 77 are amended to even more clearly clarify the claims. For example, Applicants recite that the combination of fillers and additives is present in an amount of 11 % by weight or less. Applicants submit that no new matter is added.

Response to Rejections under 35 U.S.C. 103

Applicants have considered the examiner's rejections, but disagree that claims 63-68, 71-74, 77-81, 84-85 are obvious over Kasai et al. (U.S. 4,664,275) ("KASAI-275"), or that claims 69-70 and 82-83 are obvious over KASAI-275 and further in view of Kasai et al. (U.S. 4,444,330) ("KASAI-330").

KASAI-275 states clearly and unambiguously that "[i]n order to impart a still improved gas barrier performance to the stopper of the present invention, the stopper material further contains **5 to 50% by weight** of an inorganic powder." (See, e.g., col. 2, lines 54-57) (emphasis added). In addition, KASAI-275 discloses that the stopper composition can have additional additives such as:

- liquid paraffin (20 phr or less),¹
- mold releasing agent (10 phr or less),
- stabilizer (5 phr or less),
- pigment (15 phr or less), and
- filler (120 phr or less).

(See, e.g., col. 3, lines 8-19)

Thus, the combination of **inorganic powder** (5 – 50 % by weight) and **other additives** (170 phr or less) must necessarily be more than 11 % by weight. In this regard, Applicants note that all

¹ Applicants note that "phr" is a term of art that is understood to mean parts "per hundred rubber," i.e., the parts of additive(s) as compared to one hundred parts of rubber. In this instance, the additives of KASAI-275 are in relation to the "total weight of butyl rubber and thermoplastic resin" (see, e.g., col. 3, lines 14-15). Therefore, KASAI-275 contemplates 170 phr or less of total

examples (i.e., 1-7) in KASAI-275 contain **at least 35 % by weight** of a combination of fillers and additives (i.e., inorganic powder (mica) + additives (talc, liquid paraffin)).

In contrast with the disclosure of KASAI-275, Applicants claims recite, *inter alia*, a combination of fillers and additives present in an amount of **11 % by weight or less**.

In view of the foregoing, Applicants respectfully submit that KASAI-275 teaches away from Applicants' claimed invention because the **at least 35 % by weight** of a combination of fillers and additives as disclosed in KASAI-275 is very far from Applicants claims which recite, *inter alia*, a combination of fillers and additives present in an amount of **11 % by weight or less**. Moreover, nothing in KASAI-275 would direct one having ordinary skill in the art that Applicants claims are obvious. Accordingly, withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

Conclusion

For at least the foregoing reasons, Applicants respectfully request withdrawal of the rejections as set forth in the Office Action. It is believed that the claims are in condition for allowance, and a determination to that effect is earnestly solicited. Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any required fees or refund excess payments to Novo Nordisk Inc. Deposit Account No. 14-1447.

Respectfully submitted,

Date: August 6, 2007

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